

than the metallic layer. Since Sano does not teach or suggest every element of the claimed invention, Sano does not anticipate claims 25, 27-29, 35, and 50-55.

The Examiner further states that the Sano film device would not release biocidal amounts of elutables if placed in a liquid. However, applicants respectfully request direction as to where the Examiner obtained such information. Sano teaches a thick uniform metal film useful as a contact for soldering a resin to an object and distinguishes his films from other metal films as not having the metallic layer readily peeled off (pg. 2 lines 22 – 23) and of a thickness which strengthens the membrane (pg. 3, lines 1 – 2). The metal layer as taught by Sano will release biocidal amounts of elutables if placed in a liquid. In particular, Sano teaches a thick (i.e., electrically conductive) silver layer. The silver layer as taught by Sano will oxidize, thereby releasing biocidal silver ions into an ambient liquid. In contrast, the antimicrobial metallic material as claimed in the present invention will not oxidize and release metal ions. The present invention claims an article of manufacture having metallic material such as a silver salt which is bound to the matrix wherein the metal is complexed with the polymer matrix (see page 21, last paragraph). This complex will not oxidize and release biocidal amounts of a metal ion into the ambient liquid as shown in Example 6 (page 37 – 38) where silver elution was less than 10 ppb.

Further, Sano does not teach or suggest that the resin membrane may be modified to form a coating for an article of manufacture. One of ordinary skill in the art would not be motivated to take the resin described by Sano and use it to create an adherent coating on an article of manufacture.

Accordingly, reconsideration and withdrawal of the present rejection under 35 U.S.C. § 102 is respectfully requested.

II. Double-Patenting

Claims 25-32 and 50-55 have been rejected by the Examiner under the judicially created doctrine of obviousness-type double-patenting as being allegedly unpatentable over various claims in commonly-owned U.S. Patent 5,849,311.

In response, it is submitted that a terminal disclaimer will be timely filed upon allowance of any conflicting claims in the instant application.

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Therefore, in view of the above remarks, it is earnestly requested that the application be reconsidered and that all pending claims be allowed and the case passed to issue.

If there are any other issues remaining that the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

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